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The Editor is quite ashamed that the very long delay that affected the last has also and cumulatively affected 'this number of LCM'. Subscribers will receive the numbers for June and July later this month, after which he hopes that 'normal service will be resumed' in October. *Qui s'excuse s'accuse* – but readers in British Universities at least will know the constraints that affect us all at this time of year, to which are now added as a result of the administrative changes in Universities a number of new chores, such as the communal determination of Departmental goals, attempts to forecast what the University will be like in the year 2000, the supply of information for the increasing number of returns that have to be made ultimately to central government, not to mention the activity of 'self-appraisal'. For Departments are increasingly to be judged, it seems, not only by the quantity of their research, preferably team and not individual, and its quality as measured by the number of citations (so we will all be asking our friends to be sure to refer to our articles), but also by the employment record of our graduates and the classes they gain.

The Editor has always advocated the creation of a smaller number of large and powerful Classics Departments. He has been conscious of the bad effect on all of small departments, and for this reason has never been happy with the policy of CUCD, the Council of University Classical Departments, which supports the retention of Classics Departments everywhere, not with any notable success, to judge from what he hears of Departments being closed. But CUCD has now acquired headed paper and the Editor has recently received a Press Release giving its figures for the number of full-time equivalent students doing Classics in 1987-8, which shows a rise of 10 over the figure for 1986-7 (to 3301 from 3291, the latter an increase on 1985-6, 3220, and compared with 3155 in 1972-3): this as against the UGC's figure, in *University Statistics 1986-87* which shows a decline of 31.9%, apparently as a result of reclassifying Oxford Classics (which the handout glosses as – i.e. *literae humaniores*, or Greats) as 'multi-disciplinary studies'. The CUCD figures are probably not complete (there are Departments which refuse to co-operate in supplying figures and the Editor hopes that those studying Greats are not claimed 100% for Classics), but he is happy to give them publicity even if not himself convinced that they will have much effect. The increase is matched, by the way, by a decline in teachers of Classics, by 20 since last year (334 from 354 from 361 in 1985-6. In 1972-3 we were 455). This new image of CUCD as a lobby surely owes much to its new President, Professor Wiseman of Exeter, whose good management of his own Department is making it one of the most successful in the country, and the Editor congratulates him on both activities.

The Editor has always accepted the need for a degree of public control of institutions

which depend to such a large extent upon public money. But it is being increasingly borne in upon him that we (collectively rather than individually, though he himself is not without guilt) have been over-ready, even over-eager, to accept and play along with each new 'initiative' in the hopes of more money. There has been much talk of 'academic freedom', though survival rather than promotion has often been the lot of the unorthodox, but perhaps we should have been bolder in asserting that the application to Academe of any but academic standards is, as the rhetorical cliché has it, a *trahison des clercs*. This is the other side of the coin that these notes displayed last month, the need better to serve the students that we have, though as Bishop Butler said, we gain nothing by pretending that things (and students) are other than they are.

Universities have placed themselves in a potential dilemma by that increasing reliance on public money, and should not evade their duty of seeing that there wants not an adequate supply of suitable persons for the service of what used to be Church and State. The Editor has sought escape through the horns by arguing that it is in fact in the best interests of those parties that the Universities provide trained and independent minds to which, as he said last month, nothing is sacred. The trouble is that they do not accept this, preferring, it seems, a supply of docile and indoctrinated graduates.

These notes are partly occasioned by the public announcement in the Press of the fact that the Regius Chair of Greek at Oxford is not to be filled on the retirement of Professor Lloyd-Jones, an intention that has long been known unofficially. College fellows have traditionally been opposed to Professorships, believing that college teaching best serves the subject, yet the failure to fill a chair of such antiquity must seem to serve notice on the world that Greek is no longer considered of importance, a paradoxical situation when there is so much public interest in the ancient world, its literature and its archaeology.

But the Editor is also moved by what he hears from a correspondent in Australia, where the state of affairs is much the same, who makes some comments on the recently published Green Paper of their Minister of Education, which asks the question, asked also in other countries, 'what form of education should be imposed . . . to meet the needs of the community'. His correspondent interprets this, surely correctly, to mean 'most beneficial to the state', and notes that the 'needs' are almost exclusively economic ones. The tone of this document, as of similar ones elsewhere, is 'one of threat and control', for "Institutions may chose not to adopt these principles and practices, but will receive less support from the Government and consequently need more from other sources". The Paper at least encourages a new management structure not dissimilar from 'Jarretization' in this country, that is to say one which delegates authority downward from a Chief Executive through Deans and Heads of Departments (or as now in this country, Budget Centres, though readers may be amused to know that for certain purposes LCM is an independent Budget Centre, which pays the University rent for a basement room where it is printed), and their policies should be flexible, which is interpreted, again surely correctly, as 'capable of being changed at a moment's notice - at the whim of the "managers"'.

The dangers of such a system, here as elsewhere, are or should be obvious. 'The system of government will permit the Government of the day to impose its will' on the Universities, even to the details of the courses they will teach (and perhaps how, and with what ideological slant: for 'it is a small step from ... the interests of the economic policies of the Government to ... the interest of [its] political aims'. The picture is extreme and envisages an extreme situation, and doubtless assurances have been given in Australia as they have in this country that 'of course' such powers will never be used. 'But no government, having gained control over an institution and particularly institutions like universities which all Governments find difficulty in controlling, would ever relinquish that control. And once that control is established sooner or later some Government will make use of it'.

A Professor of German of this University, now Emeritus, once warned Anthony Crosland, a most liberal politician and Minister of Education, that 'that way lies tyranny' and cited the example of Hitler's Germany for his belief that the Universities are the first target of illiberal regimes. He then seemed alarmist to the Editor. His correspondent does not now seem so, and the Editor is increasingly coming to the view that we must all in Universities cease to worship the golden calf, and reduce our dependence on public money by the practice of plain living and high thinking, and at all times resist seductive initiatives that give us money in return for strings.

There is a lesson here for CUCD.

But the Dinosaur is now extinct!



Mogens Herman Hansen (Oslo): *The average age of Athenian bouleutai and the proportion of bouleutai who served twice* LCM 13.5 (May 1988), 67-69

In my study *Demography and Democracy* (Herning 1985), cf. LCM 12.10 (Dec.1987), 157-9, I devoted a long section (51-64) to the *boulé* and to the number of citizens required to run it constitutionally. I discussed the following aspects of the problem: (a) how many citizens availed themselves of the right to serve twice in the *boulé*? (b) what was the average age of the candidates? (c) did *klerouchs* come to Attica to serve in it? (d) how were the *bouleutai* recruited? (e) did the *thetes* serve in the *boulé* to the same degree as citizens from the upper classes? (f) in the demes, what was the relation between the number of eligible citizens and the number of seats in the *boulé* assigned to a deme?

In JHS 107 (1987), 233, Robin Osborne questioned my treatment of (a) and (b). In response to his objections I bring here a more detailed account which leads to a restatement of my views; re (a): the bouleutic inscriptions indicate that many councillors served twice, but certainly not that the proportion of councillors who served twice was 'at least 60%'; re (b): the average age of *bouleutai* was more than 40 years, and even if we concentrate on *bouleutai* who served their first term, the average age must have been at least 40 years. I will discuss the first two problems in the reverse order.

A. The average age of the *bouleutai*

In *Democracy and Demography*, Appendix 4 (80-82), I listed 31 politically active citizens for whom we know the approximate age when they served in the *boulé*. To this list I can now add two more names: Θεόστολδης Ἀθμονεύς (PA 6913 + 6914, APF), born ca. 450 (by the turn of the century he had two grown-up sons, cf. APF 222-3), *bouleutés* in 404/3 (*Hesperia* 40 [1971], 280-301, no.7, probouleumatic decree), aged 45+. Μειδίας Κηφισοδώρου Ἀναγυράσιος (PA 9719, APF); *bouleutés* in 348/7 (Dem.21.111, 116), aged ca. 50 (Dem.21.154). With these addenda the list comprises 33 *bouleutai* of whom 5 are known to have served twice (cf. note 183). The mean age is 46 years (1750 + 38) and the median age is 44 years (no.18: Timarchos [second term]; no 19: Apollodoros).

Osborne objects that, in most cases, we do not possess the crucial piece of information: whether a *bouleutés* is serving his first or second term. His objection does not invalidate my conclusion (average age of first term *bouleutai* no less than 40 years) as will be apparent from the following calculation which I found too elaborate to spell out in my book: I will first subtract the five second terms attested (cf. note 183) whereafter the mean age drops to 41 years (1363 + 33). I will then suppose that a third of the remaining 28 *bouleutai* who are attested only once did in fact serve twice – a third is in fact a very high proportion of councillors serving twice, cf. section B below. Consequently we will have to assume that ca. 10 of the 28 councillors served another term either before or after the term attested. If we suppose that for half of the ten it is in fact the second term we have attested, and that these five had served another term some ten years earlier, the average drops to 40 years (1363 - 50 = 1313 + 33 = 40). Thus my conclusion stands, and I emphasize that my estimate of the age of the *bouleutai* in question is, in all cases, too low rather than too high. Several of those whom I record in my categories 30-35 years and 35-40 years may in fact have been over forty, and in the above calculation I have taken 45+ to be over 50, etc..

Next, my investigation is based on the politically active citizens only. I admit that the proportion of citizens serving twice is probably somewhat higher than for the population as a whole. On the other hand, politically active citizens probably served in the *boulé* earlier than the ordinary and passive citizens, many of whom probably had to be 'persuaded' to serve in the *boulé*.

For comparison and further confirmation of my views I will report the outcome of a small study based on a different type of source. IG²1926 is a complete list of *diaitetai* of the year 325/4. Of the 103 59-year-old citizens recorded as *diaitetai* the following six are also attested as *bouleutai* in the bouleutic inscriptions: line 28 Καλλιτέλης (. . . ος) Κυδαντίδης, *bouleutés* 336/5 (Agora XV.42.128), aged 48; line 34 Νικήρατος (Νικοκράτους) Ἀλαιεύς, *bouleutés* 343/2? (Agora XV.36.10), aged 41; line 42 Δωρόθεος (Θεοδώρου) Διομειεύς, *bouleutés* 341/0 (Agora XV.38.70-71), aged 43; line 49 Στέφανος (Δημύλου) Προβαλίσσιος, *bouleutés* ca 345? (Agora XV.32.59), aged ca.40; lines 76-77 Νικόστρατος Προσπάτιος, *bouleutés* 336/5 (Agora XV.42.324), aged 48; line 168 Ἀρχέδημος (Φειδίδου) Αἰγίλις, *bouleutés* 334/3 (Agora XV.44.31), aged 51. Again the mean age is 45 years, and even if we suppose that two of the six served their first term some 10 years before, the mean age drops to 42 only, and not below 40 years.

B. How many *bouleutai* served twice?

Another disagreement between Osborne and myself concerns the proportion of councillors who served twice. H(ansen) gives figures for the *bouleutai* from the tribe Aigeis who are recorded for the year 343/2 and says that they suggest "at least a fifth" of *bouleutai*

may have served twice. In fact these figures suggest that at least 60% may have served twice' (233).

Let us examine the evidence in a little more detail. We know of some 90 councillors who served twice in the *boulé* before A.D.1. 86 of them are listed by Peter Rhodes in *ZPE* 38 (1980), 41 (1981) and 57 (1984). 76 examples come from bouleutic inscriptions (*Agora* XV with addenda), the remaining 10 are based on other sources. In *D&D* note 178 I added three more probable attestations. In 8 cases out of the 89 the interval between the two attestations is 30 years or more, and the presumption is, as Rhodes is well aware, that in some cases at least the second term is served by a younger homonymous relative rather than by the man who served the first term. I take the other 81 cases to be instances of *bouleutai* serving twice. Now in 54 out of the 81 cases the interval between the first and the second term is less than 10 years, often 2 years only, and the inference must be that some 2/3 of the councillors who served twice in the *boulé* served their second term some 2-9 years after their first term. What are the implications for the two models suggested, one by me in *D&D* and the other by Osborne in *JHS*?

My hypothesis is that 'in any year, about a fifth to a fourth of the councillors served for the second time, i.e. ca. 100-125' (*D&D* 52). For the sake of argument I will here adopt the model of 375 *bouleutai* serving their first and 125 their second term. Now of the 375 first *bouleutai* serving in year X, 125 must have served again in a later year, and slightly over 80 will have done so in one of the eight years $X + 2$, $X + 3$, $X + 4$, $X + 5$, $X + 6$, $X + 7$, $X + 8$ and $X + 9$. In any of these years we should expect, on average, to find ca.10 of the councillors who served their first term in year X.

Osborne's hypothesis is that 'at least 60% may have served twice'. On this model first *bouleutai* will have numbered some 300 and *bouleutai* serving their second term some 200. Of the 300 first *bouleutai* some 200 will have served a second term later on, and some 135 will have done so in one of the eight years $X + 2 \dots X + 9$, i.e. in any of these years we should expect to find, on average, some 17 of the councillors who served their first term in year X.

Next, the evidence we have for Aigeis consists of *Agora* XV.36 (312 *bouleutai* of 343/2), *Agora* XV.42 (49 *bouleutai* of 336/5, in 10 cases broken names only) and *Agora* XV.43 (9 *bouleutai* of 335/4). On my hypothesis we should expect some 3/4 of the 31 *bouleutai* of 343/2 to be first *bouleutai* and 1/3 of these to serve a second term later and 2/3 of those who served twice to have done so in the period 341/0 - 334/3. Now $31 \times 3/4 \times 1/3 \times 2/3 = 5$, i.e. in the period 341/0 - 334/3 some 5 of the councillors of Aigeis of 343/2 served for a second time. Again, of the 49 councillors of 341/0 we should expect ca. 8 to serve a second term in the period 339/8 - 332/1 ($49 \times 3/4 \times 1/3 \times 2/3 = 8$), i.e. ca. 1 *bouleutés* of Aigeis of 341/0 can be expected to turn up for a second time in any of the 8 years 339/8 - 332/1. Adding up the evidence we have we should expect some 3 attestations of councillors serving twice.

On Osborne's hypothesis we should expect 3/5 of the 31 *bouleutai* of 343/2 to be first *bouleutai* and 2/3 of these to serve a second term later and 2/3 of those who served twice to do so in the period 341/0 - 334/3. Now $31 \times 3/5 \times 2/3 \times 2/3 = 8$, i.e. in the period 341/0 - 334/3 we should expect one of the *bouleutai* to turn up again every year. For the year 341/0 the calculation is $49 \times 3/5 \times 2/3 \times 2/3 = 13$, i.e. one or two *bouleutai* of 341/0 can be expected to turn up again in any of the years 339/8 - 332/1. Adding up the evidence we have we should expect some 5 or perhaps 6 attestations of councillors serving twice.

Now in the four bouleutic inscriptions *Agora* XV.36, 38, 42 and 43 there are 4 occurrences of *bouleutai* serving twice (recorded in *D&D* 54). Thus the evidence of Aigeis is inconclusive and does not allow us to make a choice between the two models. The conclusion is that the proportion of *bouleutai* serving twice was undoubtedly much higher than the ca. 2% suggested by Peter Rhodes, but the evidence for Aigeis is too scanty to say whether a quarter or a third or a half or two thirds of all *bouleutai* served twice.

We must not forget, however, that Aigeis is the tribe that provides us with most attestations of *bouleutai* who served twice. For four more tribes - Pandionis, Leontis, Kekropis and Antiochis - we possess bouleutic inscriptions which are relevant to the problem, but all four tribes have fewer attestations. In Pandionis 3 *bouleutai* are attested twice, but in two cases the interval is 30 years or more; in Kekropis one *bouleutés* is attested twice in the bouleutic inscriptions and one more is attested in a bouleutic inscription and a probouleumatic decree; in Antiochis 6 *bouleutai* are attested twice, but in four cases the interval is 30 years or more.

The evidence of all five tribes combined supports my model rather than Osborne's (which is indeed a comment on the Aegeis inscriptions, and does not take other evidence into account). The number of *bouleutai* attested twice in the bouleutic inscriptions of the 4th century is perfectly compatible with the view that the *boulé*, on average, was composed of min. 375 councillors serving their first term and max. 125 serving their second term. Thus there is no reason to question what Aristotle does imply at *Ath. Pol.* 44.1, that a citizen could serve as

epistatés tōn prytaneōn only once in his lifetime. Here I follow Rhodes (*Commentary* 531) and accordingly I cannot accept a council composed of 300 *bouleutai* serving their first and 200 serving their second term, which is what Osborne's hypothesis implies.

For further discussion of related problems I refer to my most recent publication: *Three Studies in Athenian Demography, Hist. Filos. Medd. Dan. Vid. Selsk.* 56 (1988): I. Ephebic Inscriptions as evidence for the Number of Athenian Citizens 336-22; II. A Note on the Growing Tendency to Underestimate the Population of Classical Attica; III. Athenian Population Losses 431-404 B.C. and the Number of Athenian Citizens in 431 B.C..

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J. D. Cloud (Leicester): *Sulla and the praetorship*

LCM 13.5 (May 1988) 69-72

This story, like many stories about Roman History, begins with Mommsen. I cite the second edition (1895) of the Dickson translation partly because it is remarkably accurate – it was painstakingly corrected by Mommsen himself, to whom some of its linguistic oddities are due, for the great man fancied himself as a writer of English – and partly because the availability of his *Römische Geschichte* in English dress undoubtedly favoured the spreading of his views in the Anglo-Saxon world.

My quotation comes from the section on the Sullan Constitution (4.123 – the German text translated is identical with that of the twelfth edition (1919) 2.355-6: 'Lastly, as the number of praetors to be nominated yearly was raised from six to eight, the new arrangement of the duties was such, that the ten chief magistrates to be nominated yearly devoted themselves, during their first year of office, as consuls and praetors to the business of the capital – the two consuls to government and administration, two of the praetors to the administration of civil law, the remaining six to the reorganised administration of criminal justice – and, during their second year of office (*während ihres zweiten Amtsjahrs*), were as proconsuls or propraetors invested with the command in one of the ten governorships: Sicily, Sardinia, the two Spains, Macedonia, Asia, Africa, Cilicia, Narbo and Italian Gaul. The already mentioned augmentation of the number of quaestors to twenty was likewise connected with this arrangement' (the note in fact finds occupation for only 19 of them – two urban, two attached to the consuls, four quaestors of the fleet and eleven going to the provinces [Sicily getting two, the others one]; '*Die zwanzigste Quästorenkompetenz lässt sich nicht nachweisen*').

It is clear from pp.128-9 that by 'the reorganised administration of criminal justice' Mommsen means the *quaestiones perpetuae* constituted or reconstituted by the dictator, which are to be headed by praetors. Since there is some ambiguity in his reference to the *quaestio de sicariis* I quote the German text (*Röm. Gesch.* 12th edn., 2.359-60): '*Standen . . . jetzt für die Leitung der verschiedenen Geschwornenhöfe sechs Prätores zur Disposition, denen noch für die am meisten in Anspruch genommene Kommission für Mordtater eine Anzahl anderen Dirigenten zugeben wurden*'. I take this to mean that a number of *iudices quaestionis* were assigned to the *quaestio de sicariis* in addition to a praetor; we know from *Cic. Cluent.* 147 that in 66 at least three judges were assigned to the *quaestio de sicariis* – presumably, because of the popularity of murder charges in 66, three or four murder courts had to sit simultaneously. But Mommsen's German seems to me to be possibly consistent with the view that only aedilician *iudices quaestionis* staffed the *quaestio de sicariis*.

Certain propositions seem to be entailed by Mommsen's statements: (1) Sulla had a constitutional plan whereby the ten senior magistrates had two years of office, the first spent in Rome dealing with civil and legal jurisdiction and the second in governing the provinces; (2) there were to be eight praetors; (3) there were six or possibly seven *quaestiones perpetuae*; (4) there were ten provinces. Now all these propositions, with the possible exception of (3), seem to me dubious or actually false; it is worth trying to demonstrate this, because, usually in a weakened form, Mommsen's views on this aspect of the Sullan Constitution have become part of historical orthodoxy, though it must be said that if Sulla really did have such a masterplan for civil, legal and provincial jurisdiction, it was a remarkably stupid plan, in as much as it would only work if every praetor could be relied upon not to fall gravely ill, or die, for two years; moreover, it would be placed under distinct strain without a large reservoir of potential generals capable of dealing with Mithridates and other foreign enemies.

One still occasionally finds the Sullan view in its 'hard' form, as, for example, in Heuss's *Römische Geschichte* of 1964: '*Dies Geschworengerichte tagten unter dem Vorsitz eines Prätors. Ihre Vermehrung brachte die Vermehrung der Prätorstellung und die ausschliesslich Verwendung der Prätores in inneren Räume mit sich; stellte anderseits aber auch genügend Anwärter für die Provinzialverwaltung zur Verfügung*' (p.182). In its

'soft' form it is virtually canonical. Cary's *History of Rome*, as updated by Scullard in 1975 for the 3rd edition, in language similar to that used by him in *From the Gracchi to Nero*, states: 'To provide for additional chairmen of the jury-courts he raised the number of praetorships to eight' (p.236) and 'Sulla encouraged (without probably embodying it in law) a practice that had been developing more recently, namely that praetors and consuls should remain at home during their year of office and go overseas as promagistrates in the following year, while the Senate by deciding which provinces should be allocated to proconsuls and which to propraeitors could keep some control on potentially dangerous men' (ibid.). Scullard's weaker version implies rather than states that the number of promagistrates under the new system deliberately matched the number of provinces, but it does imply that there were enough potential promagistrates available in the year after their term of office had finished to be able to govern all the provinces; since he thinks that there were ten provinces at this time (p.237) the increases in the number of senior magistrates from eight to ten could scarcely have nothing to do with the fact that ten promagistrates might be needed each year.

It is not absolutely necessary to attack directly Mommsen's first proposition, that Sulla had a constitutional plan whereby the ten senior magistrates had two years of office, the first spent in Rome dealing with civil and legal jurisdiction, the second in governing the provinces; for if it can be shown that there were probably fewer than ten provinces and possibly more than ten higher magistrates, then the theory becomes implausible. However, long ago Balsdon ('Consular Provinces under the late Republic I', *JRS* 29 [1939], 57-73, esp. 61-3) sawed away one plank from under Mommsen's structure by demonstrating that between 79 and 53 a mere twelve consuls could be shown to have stayed in Rome for the whole of their consular year before going out to their provinces: fourteen did not go out to any province and ten-twelve either went out to or at least meddled with their provinces before the end of their consular year. But Mommsen's first proposition is open to attack on another front: clearly, the practice of proroguing provincial governorships would make it impossible to carry out the scheme attributed to Sulla; indeed, the purpose of the scheme, according to Mommsen and his disciples (Mommsen, *RG* [Eng.] 123-4; [Germ.] 356; Cary-Scullard 236), was precisely to put an end to the practice and thus prevent a close relationship arising between holders of *imperium* in the provinces and their armies, the kind which had enabled Marius and Sulla himself to shatter the stability of the state. Yet during the period when we might have expected prorogation to cease it goes on just as if Sulla had changed nothing. Two of the praetors of 81, C. Claudius Nero and Cn. Cornelius Dolabella, had their commands in Asia and Cilicia extended for a second year (Broughton, *The Magistrates of the Roman Republic* II, 82 & n 84). Pompey, who had not even held the praetorship, appears to have been made governor of Africa (Granius Licinianus 36.2), and another Cn. Cornelius Dolabella, consul in 81, remained as governor of Macedonia from 80 to 77 (*MRR* II, 80, 84, 86). Q. Caecilius Metellus Pius, consul in 80, was governor of Further Spain from 79 to 71 (*MRR* II.83, 86, 889, 93, 98, 104, 111, 117, 123). P. Servilius Vatia, consul in 79, held a command in Cilicia from 78 to 74 (*MRR* II.87, 90-91, 94, 99, 105). To be sure, Cilicia probably did not become an administrative province till 74, but Mommsen's principle should hold for any form of proconsular or propraeitorian *imperium* and manifestly it does not. It therefore seems to me impossible to hold the strong form of Mommsen's proposition and risky to hold even the weaker, Scullardian, version that Sulla merely encouraged consuls and praetors to go to provinces in the year after their year in Rome. Mommsen's notion that the higher magistrates had two years of office was an aberration into which even the most ardent of his disciples were not prepared to follow him; suffice it to say that the uninterrupted use of the phrases *pro praetore*, *pro consule*, and the words *propraetor*, *proconsul*, indicate that, strictly speaking, the second year was a quasi-magistracy, and the occasional use of the words *praetor* and *consul* in the sense of *propraetor* or *proconsul* is an example of linguistic laxity rather than constitutional propriety.

Secondly, did Sulla raise the number of praetors to eight? The only source to suggest that Sulla increased the number of praetors at all is Pomponius in *Digest* I.2.2. He notes the creation of the urban praetor in I.2.2.27 and of the peregrine praetor in 2.2.28; then at 2.2.32 he writes: '*capta deinde Sardinia, mox Sicilia, item Hispania, deinde Narbonensi provincia totidem praetores, quot provinciae in dicionem venerant, partim qui urbanis rebus, partim qui provincialibus praeessent. deinde Cornelius Sulla quaestiones publicas constituit, veluti de falso, de parricidio, de sicariis, et praetores quattuor adiecit. deinde C. Iulius Caesar duos praetores et duos aediles qui frumento praeessent et (?dicerentur) a Cerere cereales constituit. ita duodecim praetores, sex aediles creati*'. I have quoted the whole of the passage, for Pomponius writes in so slovenly a way that without it the reader might be puzzled over the number of praetors to which Sulla added four. It is however quite clear that if Caesar added two more praetors to the number inherited from Sulla and that the new total was twelve, then Sulla must have raised the number to ten and have inherited six, four of whom were to serve as

provincial governors, and two in Rome as urban and peregrine praetors respectively. Now Pomponius is a slapdash and inaccurate authority; Sulla certainly did not constitute a *quaestio de parricidio* as well as a *quaestio de sicariis*, since Sex. Roscius of Ameria was tried *inter sicarios* (Cic. *Rosc. Amer.* 11) for parricide, but nevertheless his account makes coherent sense; consequently the onus of proof lies with those who maintain that Sulla raised the number of praetors to eight and not ten.

As far as I can see there are only two passages which could be construed as indicating that eight was the regular figure for the number of praetors in the late Republic. The first is from Velleius 2.89.3 (a general comment on Augustus' measures): *imperium magistratuum ad pristinum redactum modum: tantum modo octo praetoribus adlecti duo*. This would imply that the *pristinus modus* for praetors was eight. This information is part of a cluster of material loosely attached to the outset of the principate, but Dio 53.32.2 (under the year 23) seems to me to imply that before that date there were more than ten: *καὶ [ὁ Αὐγουστος] στρατηγούς δέκα ὥς οὐδέν ἔτι πλείονων δεόμενος ἀπέδειξε· καὶ τοῦτο ἐπὶ πλείῳ ἔτη ἐγένετο*. For to say that Augustus appointed ten praetors because he in no way any longer needed more surely implies that there were more than ten before; otherwise the *ὥς οὐδέν ἔτι πλείονων δεόμενος* makes no sense. In an entry under A.D. 11 Dio (56.25.4) states that the number of praetors in that year was sixteen, but that the figure remained at twelve *ἐπὶ πολὺ*: *καὶ στρατηγοὶ ἐκκαίδεκα ἦρξαν, ἐπεὶ δὴ τοσοῦτοί τε τῆς ἀρχῆς ἀντεποιήσαντο καὶ οὐδένα αὐτῶν λυπεῖσθαι ὁ Αὐγουστος . . . ἠθέλησεν· οὐ μὴν καὶ τοῖς ἄλλοις τοῖς ἐφεξῆς ἔτεσι ταῦτόν ἐγένετο, ἀλλ' οἱ δώδεκα ἐπὶ πολὺ κατέστησαν*. The passage seems to me to suggest that by A.D. 11 the figure 12 had become the norm. In short, only by a certain measure of prestidigitation can Velleius be made to square with Dio, namely if Velleius' ten praetors cover not the whole of Augustus' principate, but only the period which began in 23 and *ἐπὶ πλείῳ ἔτη ἐγένετο*. Pomponius, equally, can only be reconciled with Dio by similar methods, for he writes *divus deinde Augustus sedecim praetores constituit*, whereas, according to Dio, it was only in A.D. 11 that so high a number of praetors was achieved.

There is one more passage which may be taken to mean that the pre-Caesarian norm was lower than the Pomponian ten – Dio 42.51.3: *ἵνα γὰρ πλείους αὐτῶν ἀμείψηται, στρατηγούς τε δέκα ἐς τὸ ἐπιὸν ἔτος ἀπέδειξε καὶ ἱερέας ὑπὲρ τὸ νευομισμένον*. The *ἵνα* clause makes it virtually certain that *ὑπὲρ τὸ νευομισμένον* qualifies *στρατηγούς* as well as *ἱερέας*; for Caesar would hardly have rewarded more senators by nominating ten praetors for 46 B.C., if ten had been the normal figure anyway. But if this inference is correct, then it follows that Dio thought of the unnamed figure lower than ten as the customary rather than the legal number (this is the only example of *ὑπὲρ τὸ νευομισμένον* in Dio, but it is presumably the equivalent of the much commoner *παρὰ τὸ νευομισμένον* which refers either to infractions of custom or – 46.29.2, 56.17.2 – to infractions of the *lex annalis*, of the statutory character of which Dio is unaware).

Possibly Dio was on to something, and there may be some mileage to be gained from adopting some version of Zumpt's theory (*Röm. Criminalrecht* II.1, chapter 4) (totally effaced nowadays by his enemy, Mommsen's, construction) that versatility was built into Sulla's provision for the praetorship: there had to be a minimum of eight praetors, but the Senate could permit up to ten to stand for office when need arose. The figure eight derives from Velleius' *pristinus modus* and a natural interpretation of Dio's *τὸ νευομισμένον* while the figure ten comes from Pomponius. This minimum-maximum theory would help to explain another curious phenomenon: in 57 there were almost certainly only 8 praetors, whereas in 58 and 54 there were probably more: for 57 cf. Cic. *Mil.* 39 & *Pis.* 35, for 58 & 54 *MRR* II.194-5 & 221-2; curiously Last, *CAH* IX.299.1, thinks that (Cic.) *Fam.* 8.8.8 asserts that there were 8 praetors in 51, but the SC cited by Caelius states that there were to be nine praetorian provinces in 50, Cilicia + the *viii reliquas provincias quas praetorii pro praetore obtinerent*. If the alleged Sullan rule were to hold, then there ought to have been nine praetors in 50, since Pompey in 52 had imposed a five-year gap between holding the praetorship and governing a province.

What of Sulla's six *quaestiones publicae*, each presided over by a praetor, the next item in Mommsen's constitutional reconstruction? Four *quaestiones* are undisputed, that *de sicariis et veneficiis*, almost certainly divided into two, that *testamentorum*, that *maiestatis* and that *repetendarum*. The *lex Cornelia de iniuriis* set up a *quaestio*, as the regulations for membership cited from Ulpian in *Dig.* 47.10.5.pr. show. Nor is there any doubt that a *quaestio de ambitu* existed in 81, even if the Cornelius of the *lex Cornelia de ambitu* mentioned in *Schol. Bob.* p.78 Stangl may have been a Cornelius earlier than Sulla. Thus we have our six *quaestiones*. But unfortunately we have a seventh *quaestio*, of the existence of which in 81 we can be virtually certain. It existed in 66 (Cic. *Cluent.* 147) and *tum haec cotidiana, siccae, venena, peculatus, testamentorum etiam lege nova quaestiones* (Cic. *nat. deor.* 3.74) makes the Sullan attribution almost mandatory. The dramatic date of the *de natura deorum* is 77-75;

the *nova lex* referred to is certainly Sullan for the *lex Cornelia de sicariis et veneficiis* and the *lex Cornelia testamentaria*; it can scarcely be otherwise for *peculatus*.

Those who wish to retain the six *quaestiones* can only do so by discarding one of the seven listed above. It is customary to fasten on that *de iniuriis*; Kunkel, usually alert to *ex cathedra* dogma on the part of Mommsen, thought that *iniuria* trials were dealt with by the *quaestio de sicariis* (RE 24, *quaestio*, 743 & 746), while A.H.M.Jones, *Criminal Courts of the Roman Republic and Principate* 56, thought that the court hearing criminal *iniuria* cases was private. The problem with both explanations, but especially the first, is why in that case Ulpian should have listed relationships which disqualified men from sitting on juries under that law. If the court was in fact the *quaestio de sicariis*, then the rules governing juries in that *quaestio* ought to have applied; if the court was *iudicium privatum*, then why change the rules governing the selection of the judge or judges? Plaintiff or defendant would soon ensure that no relative of the other party was selected.

However, even if the reader is prepared to buy either Kunkel's or Jones's solution, there remains the problem of the *quaestio de sicariis et veneficiis*. Almost certainly there was no such composite court. In 66 there were three courts, two handling murder with a weapon (= *de sicariis*) and one handling poisonings (= *de veneficiis*) (Cic.*Cluent.*147). The separation of *sicae* and *venena* in Cic.*nat.deor.*3.74, cited above, suggests that there were separate courts for murders committed with a *sica* and for poisoning in 77-75. There certainly were before 81 (*de veneficiis*, CIL I².1, p.200 [xxxiii]; *de sicariis*, Cic.*Rosc.Amer.*64 *non ita multis ante annis* [from 81]). But if there were two courts in 81, one must have been praetorless, if Mommsen's six praetors for the *quaestiones* in addition to the urban and peregrine praetors are to be taken as canonical: indeed, as we have seen, Mommsen seems to have realized this. For each court to have a praetor as presiding magistrate there would have to have been either nine or ten praetors. Or else we must discard our model; *iudices quaestionis* of aedilician status are attested for both the pre- and the post-Sullan periods (C.Claudius Pulcher, c.98, CIL I².1, p.200 [xxxiii]; C.Iunius, 74, Cic.*Cluent.*79) and it is perhaps unreasonable to assume dogmatically that Sulla dispenses with them.

It will come as no surprise to the reader that the evidence for ten provinces in 81 is as weak as that for the other planks in Mommsen's edifice: eight – Sardinia + Corsica, Sicily, the two Spains, Gallia Transalpina, Macedonia, Africa and Asia – are certain; of Mommsen's remaining two, it looks as if Cilicia did not become a province till 74 and the status of Cisalpine Gaul is uncertain; M.Lepidus was assigned both Gauls in 78. Badian, with justice, argues against regular provincial status for either under Sulla (*Historia* 11 [1962], 232, and specifically for Cilicia, 'Sulla's Cilician Command', *Athenaeum* 47 [1959], 279-303, esp. 284-7). But if either Cilicia or Cisalpine Gaul or both were not regular provinces in 81, then there would simply not have been enough regular provinces to provide each of the senior magistrates with one apiece at the end of their year in Rome.

To sum up: the evidence relating to the praetorship in 81 suggests that this aspect of the Sullan 'Constitution' requires more scrutiny than it has hitherto received. Perhaps there was a larger element of ad hocery in it than scholars have been ready to allow; it was useful to increase the number of praetors available to preside over the *quaestiones* and of ex-praetors available for provincial governorships, but that Sulla intended all *quaestiones* to be presided over by praetors and all consuls and praetors to go out to provinces in the year after their office seems on the evidence provided here to be impossible.

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Review Duncan F.Kennedy (Liverpool)

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Molly Meyerowitz, *Ovid's Games of Love*, Detroit, Wayne State University Press, 1985. Pp.254. Cloth, \$29.95. ISBN 0-8134-1746-4.

"Love remains . . . an abiding preoccupation" remarks Molly Meyerowitz (hereafter M.) in the Preface to her timely and thoughtful; book on Ovid's *Ars Amatoria*. But if love is constantly with us, it is, as Ovid shrewdly portrayed at the opening of Book 2 of the *Ars* (17-20), very difficult to pin down. That should be pondered on by every critic writing on Roman elegy. Love is a deceptively simple word for one of the most complex and sensitive areas of human experience, and a winged Amor is an apt image for a signifier with a mobile meaning and a constantly shifting area of reference that is potentially as broad as experience itself (*tam vasto pervagus orbe puer*, 2.8). Every age tries to impose its own definition, only to find the boy taking wing again. The Romantic Age made a notable attempt until Freud came along to break down the conceptual fence between love and eros which had helped to define Romantic love. More recently, emergent homosexual and feminist discourses have further put into question unitary notions of love and sexuality, revealing them to be historically specific, and challenging the hegemony of a discourse of love which is revealed to be male

and heterosexual¹. The notion of Romantic love should have passed away long ago, but it is proving to have a tenacious hold on our responses, thanks largely to the debased, unproblematic romanticism which has been appropriated by commercial interests and saturates our lives. In a world we feel to be dominated by pressure and uncertainty, Romantic love offers an alluring mirage of escape.

We find it very easy to remain fascinated by Romanticism whilst long ago having been exasperated by its triteness: we hesitate to say 'I love you' because traces of its previous utterances haunt and mock us as we try to speak². The phrase emerges from our mouths already equipped with inverted commas. This uncomfortable awareness we have of love as a discursive artefact, of our most intimate feelings, those we feel to be central to our selfhood and identity, as already emplotted and scripted and acted out by many before now, spoils what we feel should be an expression of wholeness, purity and the full presence of sentiment. Awareness of incompatibility and breakdown has destroyed the sense of narrative closure that the theme of 'happily for ever after' presents, without also destroying the desire for continuity of which it is an expression. Freedom of sexual experimentation allows us to repeat the quest for total unity, total mutuality, only for us to find that the very possibility of repetition undermines the quest, leaving us even in moments which we still feel obliged to call 'bliss' with the gnawing suspicion of something remaining that could yet receive satisfaction elsewhere: the unique status of the beloved can hardly be maintained in the face of the realization that there are many different people capable of meeting our various needs and desires. The thoughtful lover these days is an anxious and uncertain being. The Romantic vision insists that we define ourselves through love; but the conditions for a stable definition have flown.

Whether we characterize certain views as 'post-' or 'anti-' or 'late Romantic', we should remember that these are disagreements within a shared code and set of assumptions. Romanticism and its discontents provide the matrix out of which our readings of Roman elegy emerge, and the terms in which the debate is carried on, which are the product of the concerns and imperatives of our cultural milieu. Thus pivotal issues and themes in the recent criticism of Roman Elegy have been the prestige accorded to apparent self-revelation (however illusory that may be)³, love as the search for and an assertion of the self against the demands of society⁴ and the passive acceptance of a stable definition of love – Romantic love, of course, combined with an unabashed embrace of its escapism⁵. Though critics may like to

¹. The bibliography is huge, but cf. Jeffrey Weeks, *Sexuality and its discontents: meanings, myths and modern sexualities* (London 1985) and (ed.) Pat Caplan, *The cultural construction of sexuality* (London 1987).

². Cf. Michael Ignatieff in *TLS* 4437 (15-21 April 1988), p.411.

³. Cf. Paul Veyne, *L'Élégie érotique romaine: l'amour, la poésie et l'occident* (Paris 1938), and Maria Wyke, 'Written woman: Propertius' *Scripta Puella*', *JRS* 77 (1987), 47-61. Maria Wyke's approach, and the tenacity with which she pursues it, are very compelling, but I think that a couple of considerations need to be borne in mind. (a) For all that we may find this a compelling approach to the figure of the Elegiac Mistress, the reading of many Romans (as testified to by Apuleius *Apology* 10) was towards the naive, biographical, 'romantic' end of the spectrum. Clearly the reader's sense of eavesdropping and being in the know (illusory though this was) was part of the attraction of reading the elegists, and the poets exploited and worked upon this predilection in their readers (and perhaps not only in what they wrote – cf. Gallus); cf. what Ovid says about the figure of Corinna in *Am.* 2.17.29-30 (*novi aliquam, quae se circumferat esse Corinnam; | ut fiat, quid non illa dedisse velit?*) and *Ars* 3.538 (*et multi, quae sit nostra Corinna, rogant*). In exile, for obvious reasons, he comes close to admitting it was all fiction (*Tr.* 4.10.59-60 *ad leve rursus opus, iuvenalia carmina, veni, | et falso movi pectus amore meum*), but even then (*Tr.* 4.10.59-60 *moverat ingenium totam cantata per urbem | nomine non vero dicta Corinna mihi*) he cannot resist prevaricating and tantalizing his public still, and conditioning yet further the reception of his work. (b) follows on from (a). One of the potential dangers of seeing mistresses as fictional constructs is to dissipate the shock value of the poetry for an audience conditioned to see 'self-revelation' as 'genuine'. In less careful hands than Maria Wyke's such an approach might be appropriated as a formalist strategy, depoliticizing the texts by treating them only as discourses on 'the right way to compose poetry' and taking away the shock value which gave them their political bite. We have been down that road before.

⁴. Cf. H.-P. Stahl, *Propertius: "Love" and "War". Individual and State under Augustus* (Berkeley 1985).

⁵. Cf. R.O.A.M. Lyne, *The Latin love poets from Catullus to Horace* (Oxford 1980); T.D. Papanghelis, *Propertius: a hellenistic poet on love and death* (Cambridge 1987).

see themselves as objective, the context of literary readings is an inescapable part of the act of interpretation. This helps to account for the striking 'immediacy' M. sees (p.9) in Ovid: every age selects its texts from the past for special attention and structures its readings of those texts around its own concerns, and then believes it passively 'sees' those concerns as an autonomous part of those texts. Criticism holds up the text before itself and, fascinated by the gaze it sees returned, often fails to recognize its own reflection therein.

The implication of the *Ars Amatoria* in Ovid's downfall has, not surprisingly, distracted attention from the ostensible subject of the poem ('not a love poem, but a poem about love', as M. emphasizes, p.17; her sensitivity to the differences between the *Ars* and love elegy is one of the best features of her book) into investigation of what Augustus might have found offensive, leaving such comment as is made about its matter to drop into an unreflective rehearsal of Romantic categories, particularly those of 'sincerity' and 'sensitivity' and their related terms⁶. M.'s reading is a deeply pondered response to the agenda of 'post'-Romanticism: love in the *Ars* is discursive, rule-bound, conventional, culturally determined, but she notes that Ovid treats what she describes as 'the gloomy paradox of love' (p.29) with laughter: 'in place of a mythic charter [such as is found in Plato's *Symposium*], the *praeceptor* offers the patterned activity of social convention to redirect the lover from any foredoomed quest for elusive unity' (ibid.). M.'s organizing metaphor of this patterned activity (a choice not without some negative aspects) is games and play, and reference is made on a number of occasions to Huizinga's *Homo Ludens*: 'In love', she says, with a pardonable rhetorical overemphasis (p.25) 'we have no choice but to play at love'. Her insistence on convention is a strong one: 'only by acting in a socially defined pattern can the lovers recognize each other as lovers' (p.27); 'each sex must be aware of the conventions; each is told tacitly to allow the opposite sex to act in accordance with convention' (p.28). Categories privileged in Romantic discourse are thus redefined: 'mutuality between lovers exists only insofar as there is complicity in play' (p.29). M.'s investigation of these terms is a searching one, and is not afraid of undermining cherished romantic notions of the self: 'the game which he [the lover] chooses to play, the role which he assumes, determines the reality of who he is' (p.30). As she remarks, if love is a game, 'for the man of wit a certain schizoid self-consciousness must accompany the performance' (p.25). The opening chapters teem with pointed insights like these, supported by telling references to and discussions of the text.

For M. this emphasis on conventions puts Ovid firmly on the side of Culture in the ancient debate with Nature: far from being a force of nature, 'in Ovid's version of love, love is not antithetical to culture but is itself a cultural phenomenon' (p.25), a point underlined by Ovid's choice of form: 'Didactic poetry, by definition, deals with human culture in the sense that it is concerned with the transmission of a systemized body of theoretical or practical knowledge. . . If this was pure erotodidaxis, the Ovid would have chosen the persona of a lovesick poet; but with a *praeceptor* in a didactic framework, love becomes a body of cultural lore' (pp.34-5). In the *Ars* love is then presented as a paradigm for the process of human culture as a whole (Ch.2). Artist and lover are seen as practitioners of an affinitive *cultus*: throughout the *Ars*, Ovid assimilates the activity of the lover to that of the artist by using a single metaphor to describe each of them, the progress image (Ch.3). Discussion of two key terms, *materia* in Ch.4 and *decorum* in Ch.5, of which the provenance in the *Ars* is equally that of erotic behaviour and artistic theory, allows Ovid to put forward a theory of artistic production which is no less at odds with established ideas than his statements about love, presenting a view of poetry which 'downplays the demonic nature of poetic inspiration' (p.113): the *Ars* is shaped, not surprisingly (except in that the point seems to have eluded most critics) by *ars*. From her subtle treatment of *decorum* in behaviour and literature, the *Ars* emerges as 'a monument of defiance to Classical literary canons on propriety' (p.143). In a tantalizingly brief allusion, M. juxtaposes Ovid's vision of literature with Horace's *dulce* and *utile* in the *Ars Poetica*, adumbrating without further discussion the vital point that literary theory is deeply ideological in the sense that it is one of the ways in which meaning in society is mobilized beyond the notice of those concerned in support of particular relations of power⁷: 'Ovid's *reductio ad absurdum* of *utile* reopens the yawning gap between poetry and the public interest. Little wonder if Augustus, whose taste in literature was reported to have been utilitarian (Suet. Aug.89.2), took offense' (p.146). I will return to develop this point in a moment.

Since the publication of Niall Rudd's essay in the *Ars* in 1976⁸, Ovidian scholars have been willing to encompass a broader definition of what they will accept as 'political' in the poem. This process has been somewhat hampered by the persistent belief that 'Sex' and 'Politics', (and, in turn 'Politics' and 'Literature'), are somehow autonomous categories,

⁶M. has a catalogue of these on pp.23f.

⁷For an important discussion of this developing sense and use of the term ideology, cf. John B.Thompson, *Studies in the theory of ideology* (Cambridge 1984), 1-15, 73-147

⁸ *Lines of enquiry* (Cambridge 1976), 1-31

separate spheres of activity which only impinge on each other in extraordinary circumstances. This was in some part due to our ideology of sexuality as 'private', which has long dominated attitudes, reaching its peak in the 1960s and 1970s (and, somewhat ironically in retrospect, leading to 'public' measures which enshrined that 'privacy' in legislation). The current upsurge in homophobia and the attempts to legislate which is it promoting show amongst other things how much the ideology of sexuality as 'private' has evaporated. Love and sexuality are social phenomena, matters of public interest and contestation, explicitly so in a situation in which, as in Augustan Rome, political discourse was organized around the attempted regulation of sexual conduct. Nor can we any longer think of sexuality as a purely physical or mechanical function. Sexuality and sexual behaviour are moulded by and expressive of economic and political situations and attitudes⁹. Just as recent AIDS publicity has dramatically made the idea, that in sleeping with somebody one is also sleeping with everyone he or she has previously slept with, part of the psychology, experience and behaviour of many contemporary sexual encounters, so Augustus must have been an unwelcome presence in many Roman beds, and sexual acts entered into in an Ovidian spirit were (though not in a rigid intentionalist way) a poke at the Emperor behind his back.

M. does much to overcome the conceptual barriers between sex, politics and literature that are part of our ideology, illuminating the political dimension of Ovid's appropriation of didactic form, and of the charter myths of Romulus, Hercules and the Golden Age which played so vital a part in the creation and legitimations of the image of Augustus¹⁰, and not least in her hint of a political dimension to poetic theory. However, her choice of the metaphor of 'game', whilst it does gain some limited sanction from the poem itself¹¹, does have the effect of abstracting the poem from the political context which gave it its bite. This is symptomatic of a scholarly discourse about the poem which is centred around formalistic discussion of 'wit' and 'frivolity', a discourse M. is uncomfortable with and rightly protests against (pp.10ff.)¹², but from which she has not entirely succeeded in escaping. M. manipulates the constituent terms of her analysis – convention, culture, nature, decorum – with an impressive flexibility and virtuosity, but without questioning the role these terms are playing in her argument and the limitations they might place on her investigation. In a curious way, for all their illumination, her analyses leave unanswered the question asked by A.S. Hollis a decade ago¹³ "The charge was quite definite: that the *Ars Amatoria* undermined Roman marriage ('*arguor obsceni doctor adulterii*', *Tristia* 2.212). I neither believe the author to have written with this purpose in mind nor Augustus to have thought so – can he have been entirely ignorant of the conventions of love-poetry?" The term 'convention', providing as it does in Hollis' argument the presumed exculpation of Ovid (note however his surprise at its actual failure to have saved him), deserves closer inspection. It is used of both social behaviour and literary topic, and slides easily between the two; indeed, a collusion can be detected. What are inscribed as cultural practices in society are reaffirmed as literary conventions and appear to justify themselves by imitating life. 'Life', however, is never a pre-given entity or body of experience, but is itself discursively constructed, so that when we have the sensation of art being like life what we are feeling is 'the momentary congruence of one set of codes with another'¹⁴. In either sense of 'convention' its usage generally involves an important suppression. With its reassuring etymological connexions with 'coming together' and 'agreement' it gives a comforting impression of stability of meaning about an utterance or act, and consensus about its significance. Its usage has a flattening effect, implying that *regardless of the context* in which a particular act or utterance is made its significance will always be the same for all those concerned, it will be taken for granted and not be a source of

⁹ See e.g. Philippe Ariès & André Béjin (edd.), *Western Sexuality. Practice and precept in past and present times* (Oxford 1985). These approaches are applied to the Roman world in the work of Paul Veyne (cf. n.3 above).

¹⁰ Cf. also Andrew Wallace-Hadrill, 'The Golden Age and Sin in Augustan Ideology', *Past and Present* 95 (1982), 19-36.

¹¹ In view of her emphasis on 'games' M. was perhaps wrong to relegate to a couple of brief footnotes (cf. pp.211 n.54, 221 n.3) consideration of the use and implications of the terms *ludere* and *lusus* in the *Ars*.

¹² Compare the way that Don Fowler, in a very sympathetic review of M., *feels the need* to apologize for her serious tone, and expresses anxiety that his quotations from her book may give the impression that she is 'po-faced' (*Greece and Rome* 34 [1987], 92). Even the argument 'the *Ars* is, of course, a funny poem, but its reception is inextricably linked with censorship and banishment' involves an acceptance of the agenda of this discourse and a willingness to have analysis confined by its restraints. This discourse is powerfully normative, a point which I will return to discuss below.

¹³ A.S. Hollis, *Ars Amatoria Book 1* (Oxford 1977), Introduction.

¹⁴ K.K. Ruthven, *Feminist literary studies* (Cambridge 1984), 77.

conflict. In eliminating from the start the possibility of conflict in a particular instance, the term depoliticizes the situation it is being used to analyse. To us the *Ars Amatoria* may appear 'conventional'; to Augustus, vitally, it wasn't. The term robs a situation of its specificity and blinds us to the very thing we are interested in. It is the abstraction that invests that behaviour with its significance, conjuring away the relations of power under which a particular act or utterance is constituted as legitimate and the norm (or otherwise) acts to the interest of some social agents and to the detriment of others and is reproduced as the dominant form of social action. The 'naturalness' of a convention – indeed the description of something as a 'convention' – is a function of the observer's ideology.

This use of the term 'convention' is not only symptomatic of a bias in modern critical discourse towards abstraction, it is but one strand in a complex web of ideological terms which suppress the use of 'power' as an analytical term in our arguments. In particular, literary critics need to be aware of the implications of all the technical, formal terms of a criticism that posits as its object of study a transcendent category called 'Poetry', 'Literature' or 'Art' and finds its interpretative validity in isolating what it calls universal qualities: these terms abstract texts from the social and cultural processes which shaped them, and hampers those who use them from seeing the place these texts have in these processes¹⁵. This is by no means a recent phenomenon. We are heirs to a formidable tradition of thought which stretches back to the ancient world and has systematically given special privilege to categories and modes of thought that disguise literature's involvement with power. This can be piquantly illustrated from the works of Ovid himself. In his *Remedia Amoris*, as Ovid's advice to the reluctant lover to seek out occasions of feeling disgust at his girl's more intimate physical processes moves towards its culmination, Ovid provocatively chooses this moment to mention (362f.) that there are certain people who have criticized his amatory works, the thrust of whose criticism is that his *Musa* is *proterva* (362). Ovid's reply is uncompromising: he will continue as before, regardless (397f. *attrahe lora | fortius et gyro curre, poeta, tuo*). Nevertheless he does muster points in his defence; Homer and Virgil have had their critics as well (365-70). Then he challenges his critic (371ff.) to judge each poem according to its metre, that is, to see content and treatment in relation to form and genre. If his Muse does justice to his light-hearted subject-matter, then the charge of his critics is groundless. This is the doctrine of literary *decorum* taken to its extreme.

Is it out of order to feel a bit startled by this passage, to feel that Ovid either completely misjudged the nature of the criticisms made against his work or perpetrated an egregious category error in his replies to them? What he says suggests that Ovid held in an extreme form a view of poetry as an autonomous, transcendent category, responsible only to itself and its own criteria of excellence: social effects are irrelevant so long as formal excellence is achieved. In fact the organizing categories of such a view of Literature, tradition, symbolized by lodestars of excellence, Homer and Virgil, the writer's creative *ingenium* (365), and an available body of *materia* (387), elide or repress the social processes by which that *materia* is constituted (i.e. takes it as a pre-given, much as 'Life' is in modern discourse) and so ignore the way that these social processes are supportive of one particular set of power relations. If *Rem.* 361ff. represents what Ovid really believed at this stage, and I can see no reason to say that he didn't, then the shock he says he felt at his banishment will have been genuine, and shows the grip of his own ideological conception of Literature had upon him. Ovid's experience probably led him to modify his views somewhat; certainly we don't find this extreme formalist argument being used in *Tristia* 2. There is an irony in the modern scholarly defence of Ovid by a replication of the argument which failed to defend him in his own time. This replication is not without a significance greater than simple irony, however. The degree to which Ovid's defence seems 'natural,' or 'sufficient' rather than 'startling' is related to the critics principled or unreflective adherence to a formalist conception of literature.

M. structures her discussion of the *Ars* around the distinction of culture/nature which were terms central in the discourse of social organization in the Roman world, but without fully putting under question the validity of the distinction itself, how the distinction is arrived at and whose interests the siting of the barrier at any particular point may serve. Naturalism remains even today an influential mode of argumentation (hence, as with the formalist concepts of literature, the difficulty we have in distancing ourselves from it to see how it operates in our thought) even though, except at the most basic level (e.g. if we don't eat, we die) arguments 'from nature' can be shown to carry with them culturally specific assumptions. The organization of any particular society is what has been described as a cultural 'arbitrary'¹⁶, that is, whatever its own claims, it cannot be deduced from any 'universal

¹⁵ Cf. Tony Bennett, *Formalism and Marxism* (London 1979).

¹⁶ Cf. Pierre Bourdieu & Jean-Claude Passeron, *Reproduction in education, society and culture* (London 1977), 200, with the commentary of Thompson (op. cit. n.7 above), p.57.

principle' of a physical, biological or spiritual kind. This 'cultural arbitrary' lies at the heart of the system of power relations between individuals, groups and classes, and its imposition and reproduction through various institutions, notably education, serves to sustain existing relations of domination. The system can succeed in imposing the cultural arbitrary only insofar as the arbitrariness is not seen as such, but rather as 'true', 'objective' and 'legitimate' by those involved. In the ancient world, the cultural arbitrary was sustained by an intellectual discourse to which the term 'nature' was central. A number of strands, perhaps above all the enormously authoritative biologism of Aristotle, led to an atmosphere in which it was taken for granted that social, moral and political consequences for human society could be read off from an empirically discoverable set of characteristics which were universally true of human 'nature'. But if we dismiss the idea that there is any necessary correlation between 'nature' and what is 'appropriate', then *decorum* stands revealed as an historically specific ideological term, as descriptive, instantiative and supportive of certain relations of power.

decorum, as M. so well demonstrates, was a term central to the discussion not only of social behaviour but also of literary theory. We have been conditioned by our traditions to see art as disinterested and thus also literary theory as a pure and autonomous area of enquiry, but it is saturated with social and cultural assumptions. Indeed some literary theories seek to ground their authority in such social assumptions, and thus, without being seen to do so, become the vehicles for the perpetuation of these assumptions and so also for the social structures and power relationships that these assumptions support. We are the heirs of the tradition¹⁷ of Aristotle and it is impossible to ignore his authority here. For him, poetry is a *mimesis*, but not, as he argues in Chapter 9 of the *Poetics*, a *mimesis* of specifics (that, he says in a significant act of demarcation still inscribed in our institutions, is the task of the historian) but of possibilities (*οἷα δὲ γένοιτο καὶ τὰ δυνατόν*) which are raised to the status of universals (*τὰ καθόλου*) because they are in accordance with laws of human probability or necessity (*κατὰ τὸ εἰκὸς ἢ τὸ ἀναγκαῖον*) that in the biologicistic thought of Aristotle are as binding as the laws of nature.

The opening of Horace's *Ars Poetica* combines an assumption of poetry as *mimesis* with a seemingly innocent commonsensical appeal to the natural world:

*humano capiti cervicem pictor equinam
iungere si velit, et varias inducere plumas
undique collatis membris, ut turpiter atrum
desinat in piscem mulier formosa superne,
spectatum admissi risum teneatis, amici.*

The argument is so phrased as to invite immediate assent. But then Horace goes on to link to his concept of nature a hierarchy and a meticulous demarcation of the various genres and their diction, a typology for character representation, a concept of literary transmission, and even the common sense to which he so often appeals. This theory will only 'work' if the Life, which Literature is supposed to reflect, has already itself been rooted in the same ground of 'nature': literary types are based on social types, which 'come from' natural types. Deviations from the literary order of things and from the social order are deviations from nature itself (cf. especially 108, 118). *decorum* is normative of social behaviour and structures, but in being presented in the prestigious guise of a literary ideal as a formal term conceals its broader function. Reflection theories of art powerfully underpin the status quo by suggesting that the existing hierarchies and power relationships of a society are 'as things should be' or 'as things inevitably are'¹⁸.

In Horace, such a view of art suppresses its collusion and complicity with power and domination, and its perpetuation of these social and cultural arbitrariness by its appeal to the educative and recreational functions of art, the *utile* and the *dulce*. Such a theory of *mimesis*, in viewing society as the product not of specific historical factors but of something transcendent and unchangeable called the human condition, relegates to the margins or beyond criticism or the idea of intervention for change: its characteristic tone is resignation or contented acceptance, and it finds its political manifestation in the quietism of a Horace.

Ovid, of course, works within the categories of this dominant literary-theoretical discourse (as we saw above, when writing the *Remedia*, he had so internalized those categories as to be unaware how uneasily they were fitting what he was doing), but his concept of *decorum*, with its implicit appeal to culture (a culture which is not a 'given' but, as M. shows, with a history and a development, fluid and capable of being worked on by the artist) rather than to an impersonal and unchanging nature, his appropriation of didactic form

¹⁷ Cf. Frank Lentricchia, *Criticism and social change* (Chicago 1983), p.114: 'When the classic moves of Plato and Aristotle are 'passed on' – forcefully handed over, preserved – philosophy becomes 'traditional', a form of 'tradition-making' and a powerful instrument of the political process'. For what follows cf. *ibid.* pp.91, 133-5.

¹⁸ In another context, think of the imposition of 'socialist realism' in Stalinist Russia

and the role of an educative *praeceptor* of a 'body' of lore presented ironically as though it were conventional wisdom, constantly runs athwart this and calls into question the role of nature and the very intellectual preconceptions underlying 'Augustan' discourse, power and society. To levels we are scarcely able to plumb, and of which Ovid himself was clearly unaware, his incompatibility with Augustan ideology and Augustan power was total.

In the modern world, the *Ars Amatoria* has been implicated in a type of reading which is the product of and geared to a concept of education as the transmission of a tradition, enshrined in a canon of texts ('the Classics') regarded as already embodying a set of values which are to be internalized rather than examined¹⁹. The assumptions behind this type of reading are mimetic ('how like life') and its guiding principles are the *dulce* and the *utile*, with their accompanying social and political ethos. But is 'immediacy' to be seen as the end of our critical efforts or the starting-point for our analysis? Is criticism to be an activity which just 'sees', or do we need a more interrogatory mode which will examine the way the context of our interpretation and the terms we are using influence what we write and find acceptable as explanations and the way the texts we study have implicated us in their reception and transmission?

'The wit', M. says in her Preface (p.10), 'so readily apparent in every line, needs little commentary; indeed, it is doubtful how much commentary could add'. But commentary is precisely what it does need. Jokes and humour occupy a vital part of that everyday discursive space in which attitudes vital to the organization of society are developed, reinforced, perpetuated – and subverted. When reinforcing cultural stereotypes, such humour is seen as 'just' wit; when disrupting or calling into question such stereotypes it is seen as 'political'²⁰. The ideology which underlies this odd pairing of terms is deeply embedded in our ways of thinking²¹, and has produced the assumptions from which much recent work on the *Ars* has been generated and determined and according to which it is judged – assumptions that are normative and powerfully hegemonic, as M.'s anxieties about writing 'seriously' about the poem testify. And yet, in a remarkable transformation which might bring a wry smile to the face of the author of the *Metamorphoses*, the *Ars* provides a beautiful illustration of how what was 'political' in one context, the reading of the poem by Augustus, to the extent that it contributed to the downfall of its author, can be appropriated as the norm in another, the modern scholarly world, to the extent that what it portrays and the way it portrays it can be described as 'conventions' and it can be seen as 'just' wit. The impulse to describe something as a 'convention' or 'wit' is less interesting as an observation about the text or its reception here than it is indicative of the observer's ideology, that is, not only of what he or she believes to be true, but of his or her place in the dynamic hegemonic process whereby our consent to the dominant relations of power and institutions in our society is produced.

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¹⁹This is eloquently and passionately expounded by Edward Said, *The World, the text and the critic* (London 1984), Introduction and Chapter 1.

²⁰For example, to 'enjoy' the *Ars*, does one have to collude with the gender stereotyping that it involves and perpetuates. M. seems to accept that it does (cf. p.70 'although the notion of sexual stereotypes may grate harshly on contemporary ears, such stereotypes are basic to the smooth operation of the game of love, of amatory *cultus*'). In spite of some excellent use of Sherry Ortner's article 'Is Female to Male as Nature is to Culture?' (in M. Rosaldo & insofar L. Lamphere, *Women, culture and society* [Stanford 1974], 67-87) in her discussion of nature and culture in the *Ars* (pp.116ff.), M.'s treatment of the wit of the poem as transparent and her unquestioned acceptance of the idea of complicity in play reveal her reading of the poem to be resolutely androcentric. A feminist treatment could be intriguing.

²¹In *Sanity* for May 1988 (p.19) the comic Robbie Coltrane expresses his surprise at the way he and Ben Elton are as a matter of course always labelled as 'left-wing', whereas figures such as Bernard Manning and Les Dawson are never described as 'right-wing', 'racist' or 'sexist', just as 'comedians'.

Emmanuel Viketos (Athens): *Two notes on Sophocles:*
Tr. 738-40 & Ant.1240-41

LCM 13.5 (May 1988), 79

- 1.Tr.738-40 ΔΗ. τί δ' ἐστίν, ὦ παῖ, πρὸς γ' ἐμοῦ στυγούμενον;
ΥΛ. τὸν ἄνδρα τὸν σὸν ἴσθι, τὸν δ' ἐμὸν λέγω
πατέρα, κατακτείνασα τῇδ' ἐν ἡμέρᾳ.

The phrase πρὸς γ' ἐμοῦ στυγούμενον raises some questions. R.D.Dawe in his apparatus remarks: '*fortasse corruptum*'.

I would suggest that Sophocles at 738 wrote:

τί δ' ἐστίν, ὦ παῖ, πρὸς γε σοῦ στυγούμενον;

This makes good sense: 'What is this that you hate?', and the reading πρὸς γ' ἐμοῦ may have arisen from ἐμὸν in the next line (739).

2. Ant.1240-41 κεῖται δὲ νεκρὸς περὶ νεκρῷ, τὰ νυμφικὰ
τέλη λαχὼν δέλαιος ἐν γ' Ἰλιδου δόμους

a. The messenger here refers to the death of Haemon and Antigone, remarking that Haemon obtained his marriage in the halls of Death. The same idea, that lovers make their marriage in Hades, occurs also in Shakespeare's *King Lear* (V.3.228-9). Both Goneril and Regan, Lear's daughters, loved Edmund, Gloster's bastard son. After they have died, Edmund's own dying words are: 'I was contracted to them both: all three now marry in an instant'.

b. There are also some common points in the deaths of Antigone and Cordelia. 1. Both die innocent. 2. Both had openly spoken out against authority. 3. In both cases an attempt is made to save their lives, but in both the rescuers arrive too late (in both cases we have the theme of 'too late'). 4. Both die by hanging.

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Otto Skutsch (London): *Naevius* B.P.336

LCM 13.5 (May 1988), 79

In his edition of Naevius' *Bellum Poenicum* (Teubner 1964) L.Strzelecki, on fr.24 (36 Morel, 23 Mariotti) *uirum praetor aduenit, auspicat auspicium prosperum,*

mentions a conjecture of mine, communicated to him by letter:

uisum praetor aduenit etc.

He retains *uirum*, with the explanation of S.Mariotti that *uirum praetor* means *praeitor uirorum*. The difficulties of this were pointed out by me, CR ns8 (1958), 47. My own solution, on the other hand, seemed to me so easy and natural that it required no explicit support. Since, however, it failed to convince Strzelecki and has found no approval elsewhere (as was to be expected, K.Buechner in his renewal, 1982, of Morel's *Fragmenta poetarum Latinorum* does not mention it) I repeat it here.

The praetor arrives and takes auspice, which turns out favourable. Why did he arrive? Compare Livy 1.31.2 *in monte Albano lapidibus pluisse . . . missis ad id uidendum prodigium*, and e.g. 41.19.4 *legatique missi ad res uidendas in Macedoniam erant*. Clearly he had come *ad rem uidendum*, to examine an unusual occurrence or a situation which had newly arisen, and took auspice to see if the action required would be successful. If the occurrence was a *prodigium*, and if Julius Obsequens' list of *prodigia* were not missing, or never began, before 190 B.C., it might have been possible to identify the context.

For the supine compare Catull.10.2 *me . . . ad suos amores uisum duxerat* (here in the sense of visiting) and Sall.Iug.94.5 *qui uisum processerant*. Similarly *spectatum*: Plaut.Cist.90; Curc.664; Poen.29; Cic.Sest.126; Livy 28,39,21; Ov.AA.1.99; Tib.4.2.2 *spectatum e caelo Iuppiter ipse ueni*

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M.A.Greenwood (Nottingham): *More thoughts on Catullus 85*

LCM 13.5 (May 1988), 80

*odi et amo, quare id faciam, fortasse requiris?
nescio, sed fieri sentio et excrucior.*

Hate her and love her, I do. Why both, perhaps you ask?

Who knows? It's done, I feel it and I'm racked.

By reversing the original position of *quare* and *faciam* and thereby translating accordingly as '... I do. Why? ...', one is able to isolate the active sense of *faciam* in the same way as the corresponding passive form *fieri* is treated in the second half of the couplet, without, I think, doing too much damage to the sense or straying too far from the wording of the original.

For the interrogative rendering of the original *nescio* ('Who knows?'), while still implicitly conveying the negative force contained in *nescio*, there remains a slightly colloquial flavour, suggestive of a baffled expression accompanied by a perfunctory shrugging of the shoulders.

As for the expansive treatment of *sed fieri sentio*, there is a definite need to make the passive *fieri* felt in the second half to hark back to the active *faciam* mentioned above, and, in order to lend the desired 'weight' due to both verbal forms, emphatically positioned around the caesura, the original verb/infinitive grouping seems better viewed as two separate verbal units.

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T.F.Kinsey (Glasgow): *Virgil, Aeneid 9.578-80*

LCM 13.5 (May 1988), 80

*ergo alis adlapsa sagitta
et laevo infixata est alte lateri abditaque intus
spiramenta animae letali vulnere rupit.*

Housman's *alte lateri* (*Manilius* 1.lxv) for the *lateri manus* of the MSS has perhaps been too readily accepted (Mackail, Mynors, R.D.Williams). Housman argues '(i) The left side is the very last place where a man who was carrying a shield would be grazed by a spear: consequently it is not the place on which Privernus clapped his hand, and consequently when Capys' arrow struck his left side, it found no hand to pin. And (ii) the thing which pierced Privernus' lungs and wounded him to death must certainly have been Capys' arrow; whereas the text says it was his own hand'.

As regards (i), it is not impossible to be grazed on the left side in spite of the shield (the equivalent of being bowled between bat and pad), and a poet capable of the absurdity of 10.694-5 may have been more concerned with the alliteration of *laevo* . . . *lateri* than with military probability. As for (ii), Housman assumes that the subject of *rupit* is *manus*, but is this so? The doer of the action of *infixata est* is the arrow and Virgil is perfectly capable of going on as though it had been the grammatical subject. Thus in 9.733 Turnus, who has been the centre of attention but not the subject of the preceding lines, is suddenly made the unexpressed subject of *mittit*. See also Austin on 2.442 and 485. 'An arrow winged its way up, the hand was driven into his left side and buried within the deadly wound it burst the channels of the breath'. There is certainly awkwardness here in the change of subject but the wording makes the change clear enough; Virgil would hardly apply *abditaque intus, letali vulnere* or *rupit* to *manus*.

Housman describes *infixata* with *manus* as a 'naked absurdity'. It may be admitted that *adfixata* would have been expected (cf. 536) but could not *infixata* be defended as the more vivid word? The hand was driven into the side rather than just pinned to it. There is no need to suppose that the hand was driven deep into the side – that would be an absurdity. And the use of a word applicable to the arrow more than to the hand (if the hand was driven into the side, even more so was the arrow) by keeping the arrow before our minds makes the change of subject easier.

Finally, Housman's emendation involves not only a double corruption first of *alte* to *late* and then omission, but also the infliction of a metrical rarity on Virgil, the elision of an anapaestic word at the end of the fourth foot. Norden (*Vergilius Aeneis* VI, p.455) finds no examples of this in the *Eclogues* and the *Georgics* and only three in the *Aeneid* (2.658, 4.420 and 8.96) and suggests special reasons for them. Housman cites 8.96 possibly without being aware of its rarity. There are also examples in *Dirae* 4 and 5, given by Norden.

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